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NO. 5485 P. 1

SEP 19 2005

PABST PATENT GROUP



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TELEFAX

Date: September 19, 2005 **Total pages:** 12 including cover
To: US PTO **Telephone:** **Telefax:** 571-273-8300
From: Rivka Monheit **Telephone:** 404-879-2152 **Telefax:** (404) 879-2160
Our Docket No. BU 111
Your Docket No. **Client/Matter No.** 077042/00003

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MESSAGE:

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Applicants: Edith Mathiowitz, Yong S. Jong, and Jules S. Jacob

Serial No.: 09/760,046 **Art Unit:** 1615

Filed: January 12, 2001 **Examiner:** H. Sheikh

For: *MICRONIZED FREEZE-DRIED PARTICLES*

Attachments:

Fax confirmation of original filing dated August 29, 2005

Transmittal Form PTO/SB/21 dated August 29, 2005

Fee Transmittal Form PTO/SB/17 dated August 29, 2005

Response to Office Action dated August 29, 2005

Three (3) Attachments

{45060371.1}

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NO. 5485 P. 2

P. 1

* * * COMMUNICATION RESULT REPORT (AUG. 29. 2005 6:34PM) * * *

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TELEFAX

Date: August 29, 2005 **Total pages:** 11 (including cover sheet)
To: USPTO **Telephone:** **Telefax:** 571 273 8300
From: Rivka D. Monheit **Telephone:** 404-879-2152 **Telefax:** 404-879-2160
Our Docket No. BU 111 **Client/Matter No** 077042/3
Your Docket No.

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MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Edith Mathiowitz, Yong S. Jong, and Jules S. Jacob

Serial No.: 09/769,046 Art Unit: 1615

Filed: January 12, 2001 Examiner: H. Sheikh

For: MICRONIZED FREEZE-DRIED PARTICLES

Attachments:

Transmittal Form PTO/SB/21;
Fee Transmittal Form PTO/SB/17
Response to Office Action
3 Attachments

Docketed for

By: Ans

Date: 8-1-05

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PTO/SB/21 (09-04)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

10

| | |
|------------------------|-------------------|
| Application Number | 09/760,046 |
| Filing Date | January 12, 2001 |
| First Named Inventor | Mathiowitz et al. |
| Art Unit | 1615 |
| Examiner Name | H. Sheikh |
| Attorney Docket Number | BU 111 |

| ENCLOSURES (Check all that apply) | | |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Three (3) attachments |
| Remarks | | |

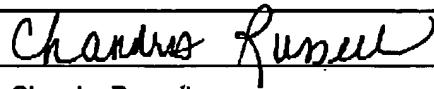
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | Pabst Patent Group LLP | | |
| Signature |  | | |
| Printed name | Rivka D. Monheit | | |
| Date | August 29, 2005 | Reg. No. | 48,731 |

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Signature



Typed or printed name

Chandra Russell

Date

August 29, 2005

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NO. 5485 P. 4

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PTO/SB/17 (12-04)

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEET TRANSMITTAL
For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

Complete If Known

| | |
|----------------------|-------------------|
| Application Number | 09/760,046 |
| Filing Date | January 12, 2001 |
| First Named Inventor | Mathiowitz et al. |
| Examiner Name | H. Sheikh |
| Art Unit | 1615 |
| Attorney Docket No. | BU 111 |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 50-3129 Deposit Account Name: Pabst Patent Group LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

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FEES CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Small Entity Fee (\$) | Fee (\$) |
|---|-----------------------|----------|
| Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent | 50 | 25 |
| Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | Fee (\$) | Fee Paid (\$) |
|--------------|----------------|----------|---------------|---------------------------|----------|---------------|
| 24 | - 33 or HP = 0 | x | = | | | |

HP = highest number of total claims paid for, if greater than 20

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Fee (\$) | Fee Paid (\$) |
|---------------|---------------|----------|---------------|----------|---------------|
| 1 | - 3 or HP = 0 | x | = | | |

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|---------------|--|----------|---------------|
| _____ | - 100 = _____ | / 50 = _____ (round up to a whole number) | x _____ | = _____ |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: _____

SUBMITTED BY

| | | | | | |
|-------------------|-------------------------|--------------------------------------|--------|-----------|-----------------|
| Signature | <i>Rivka D. Monheit</i> | Registration No. (Attorney/Agent) | 48,731 | Telephone | (404) 879-2152 |
| Name (Print/Type) | Rivka D. Monheit | | | Date | August 29, 2005 |

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RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
ART UNIT 1615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Edith Mathiowitz, Yong S. Jong, and Jules S. Jacob

Serial No.: 09/760,046

Art Unit: 1615

Filed: January 12, 2001

Examiner: H. Sheikh

For: *MICRONIZED FREEZE-DRIED PARTICLES*

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

Responsive to the Office Action mailed on May 27, 2005, please amend the application as follows. It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-3129.

45059215v1

1

BU 111
077042/00003